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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,631	09/29/2003	Michael Buschmann	1633.0052C	6246
27896	7590	06/15/2005	EXAMINER	
EDEL, SHAPIRO & FINNAN, LLC 1901 RESEARCH BOULEVARD SUITE 400 ROCKVILLE, MD 20850			STONE, JENNIFER A	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,631

Applicant(s)

BUSCHMANN ET AL.

Examiner

Jennifer A Stone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-17 is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date April 27, 2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Shand et al. (US 4,754,266).

For claim 1, Shand discloses a method for signaling the direction of an escape route to be taken in an emergency in a building with emergency warning units that are arranged in a distributed manner and are connected to a central emergency warning system (col 1, lns 52-62), comprising: equipping individual emergency warning units with a sensor for detecting a hazard condition and luminous means (col 1, lns 62-66; col 3, lns 23-25; Fig. 2, items 16 and 12); and activating the luminous means of the individual emergency warning units sequentially in a manner of a running light by the central emergency warning system (Fig. 4, item 40; col 3, lns 49-51) in an emergency, which running light designates the escape route leading away from a hazard site (col 2, lns 33-36, 66, and 67; col 3, lns 49-56).

For claim 3, the central emergency warning system places the luminous means along at least one escape route in a blinking mode (col 2, lns 33-36).

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For claim 11, Shand discloses supplying power to individual emergency warning units from the central emergency warning system (col 1, Ins 60-62).

For claim 12, activating the luminous means includes causing the luminous means to blink (col 2, Ins 33-36).

3. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Shand et al. (US 4,754,266).

For claim 13, Shand discloses a emergency warning system for signaling the direction of an escape route to be taken in a building (col 1, Ins 52-55), comprising: a plurality of emergency warning units arranged in a distributed manner throughout the building (col 1, Ins 55-61), where individual emergency units comprise: a sensor for detecting a hazard condition and luminous means (col 1, Ins 62-66; col 3, Ins 23-25; Fig. 2, items 16 and 12); wherein, in response to receiving notification of a hazard condition detected by the sensor of an emergency warning unit, the emergency warning system activates the luminous means of the individual emergency warning units sequentially in the manner of a running light that designates at least one escape route leading away from a hazard site corresponding to the location of the emergency warning unit whose sensor detected the hazard condition (col 2, Ins 33-36, 66, and 67; col 3, Ins 49-56).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shand et al. (US 4,754,266), and further in view of Lehman et al. (US 6,150,943).

Shand does not disclose the emergency warning units to be ceiling-mounted; however, Lehman discloses this feature (Fig. 10, item 11; col 4, lns 63-65). It would have been obvious to one of ordinary skill in the art, at the time the invention was made to install warning units on the ceiling so that the sensors (located on the units) detect smoke as it rises to the ceiling.

6. Claims 2, 4, 5, 6-9, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shand et al. (US 4,754,266), and further in view of Bligh (US 6,646,545).

For claim 2, Shand does not disclose storing all escape routes of a building in the central emergency warning system; however, Bligh discloses storing information in the central emergency warning system (col 5, lns 56-58), including all escape routes of the building (col 5, lns 35-42), the physical location of all emergency warning units (col 5, lns 61-64), and a program for determining at least one escape route to be chosen depending on one or more incoming emergency reports (col 5, lns 43-46), which program calculates a beginning, a direction and an end of the at least one escape route leading away from the hazard site (col 4, lns 11-15; Fig. 4), and a sequence of the trigger commands for the luminous means of the emergency warning units to be activated (col 5, lns

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15-20). It would have been obvious to store all escape routes of a building in the central emergency warning system so that routes can be retrieved from the system for future use.

For claim 5, Shand does not disclose storing physical locations of escape routes of a building in the central emergency warning system; however, Bligh discloses storing physical locations of illuminated escape route signs in the central emergency warning system and are co-processed in the program for determining at least one escape route (col 5, Ins 30-42 and 56-67). It would have been obvious to store all physical locations of escape routes of a building in the central emergency warning system so that routes can be retrieved from the system for future use.

For claim 4, Shand does not disclose deactivation of the luminous means by the central emergency warning system; however, Bligh discloses the central emergency warning system to deactivate the luminous means along escape routes designated as unsuitable or hazardous escape routes (col 5, Ins 43-55). The green colored go-routes are deactivated and activated by symbols denoting danger. It would have been obvious to denote a hazardous escape route so that an individual will take the correct escape route to safety.

For claims 6 and 7, Shand does not disclose more than one state of luminous means; however, Bligh discloses an additional, highly luminous, green LED in an idle state that is switchable to a blinking mode (col 4, Ins 61-65; col 5, Ins 16-20); however, upon an emergency situation, such as a smoke filled 'go-route' considered dangerous (col 5, Ins 46-50), a red-colored LED blinks to

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denote the dangerous area. It would have been obvious to customize the system to a user's preferences by switching a green light to a blinking state upon an emergency condition. In addition, the use of a single colored LED is more cost efficient than the use of two different colored LED's.

For claim 8, Shand discloses additional lights physically configured as arrows (Fig. 2, item 12), but does not include LED's. Bligh, on the other hand, discloses additional LED's configured as arrows (col 6, Ins 21-23). It would have been obvious to use LED's in lieu of lights to avoid overheating of the units (LED's give off far less heat than lights).

For claim 9, Shand discloses a manual wall-mountable emergency warning unit (col 1, Ins 55-58; col 3, Ins 57-60) where arrows blink based on an existing emergency condition, but does not disclose two LED's arranged as arrows facing in opposite directions; however, Bligh discloses two LED's arranged as arrows facing in opposite directions (Fig. 8, item 1), wherein either of the two LEDs is configurable in a blinking mode (col 5, Ins 16-20). It would have been obvious to disclose two arrows facing in opposite directions so that an evacuee chooses between more than one escape route.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shand et al. (US 4,754,266), and further in view of Lehman et al. (US 6,150,943).

The claim is interpreted and rejected for the same reasons as stated in the rejection of claim 14 as stated above.

Allowable Subject Matter

8. Claims 15-17 are allowed.

Response to Arguments

9. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Kobayashi (JP 06231378 – translation enclosed) discloses a wall-mounted, arrow-indicating evacuation unit directing pedestrians to exits.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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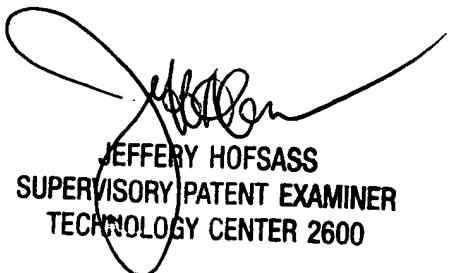
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Stone whose telephone number is (571) 272.2976. The examiner can normally be reached on M-F from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass, can be reached at (571) 272.2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Stone

June 2, 2005



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
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